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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,709	03/03/2005	Eugen Hangleiter	23235	7448

535 7590 06/13/2006

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EXAMINER

ROSS, DANA

ART UNIT PAPER NUMBER

3722

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,709

Applicant(s)

HANGLEITER, EUGEN

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The objection to the Specification is withdrawn due to Applicant's Amendment dated 15 May 2006.

Claim Rejections - 35 USC § 112

2. The claim rejections under 35 USC 112 are withdrawn due to Applicant's Amendment dated 15 May 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

or

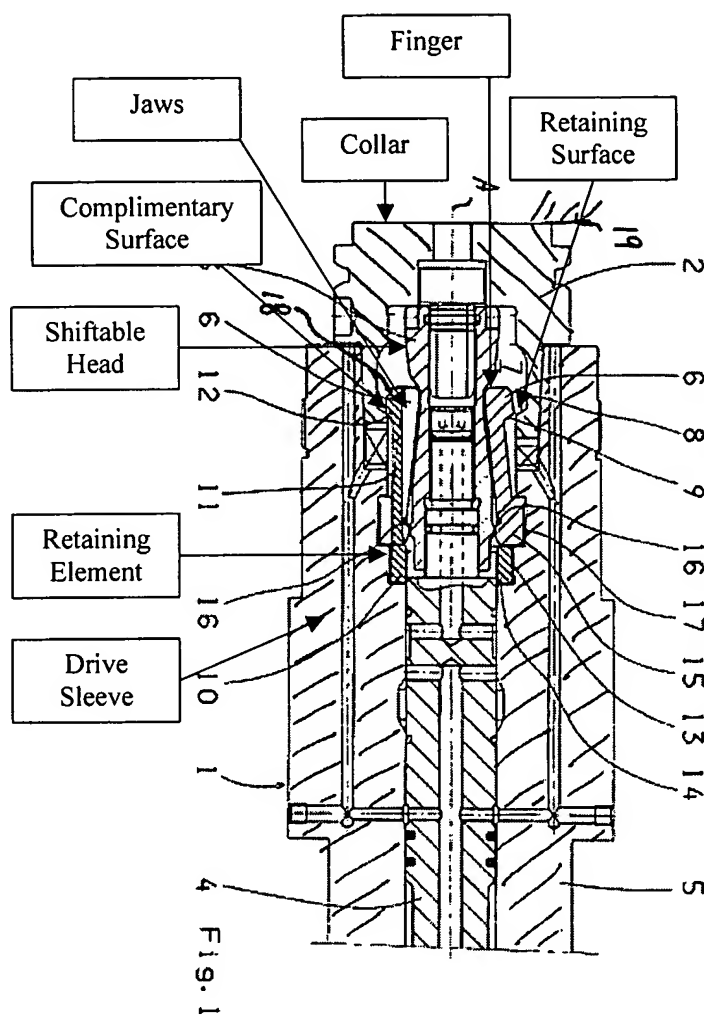
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

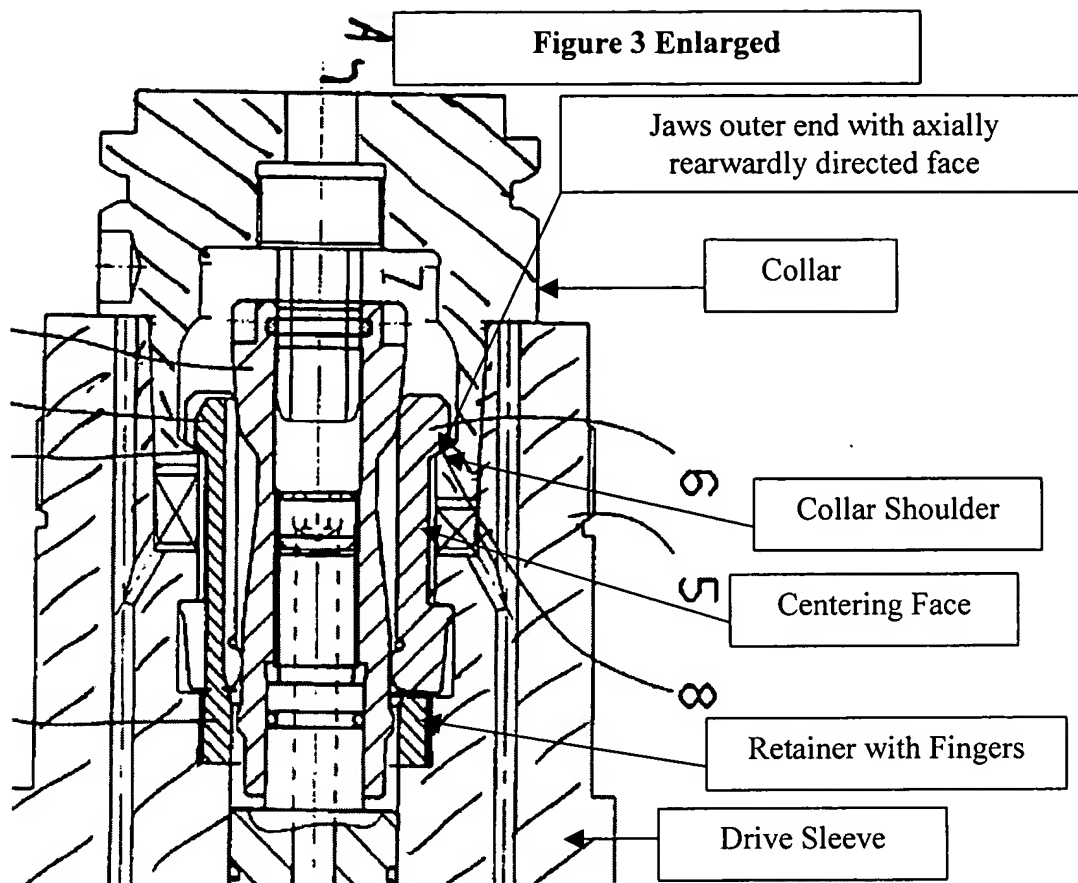
4. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,419,430 (Hangleiter, hereafter '430).

'430 teaches a holder for a substantially cylindrical collar with centering surface for a workpiece or tool that has an internal angled retaining surface 8 and retaining jaws 6 that are mounted on a drive spindle 5, shiftable head 3 in the drive spindle 5 that engages complementary angled faces on the retaining surface 8, with a retaining element (see figure 1 below) mounted on the drive spindle 5 and formed with radially deflectable retaining fingers (see figure 1 below) extending parallel to the retaining jaws and having angled retaining faces complementary to the

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clamping faces and engageable with the clamping faces of the collar 2, each finger has axially inward of the retaining face a radially outwardly directed centering face engageable with a free end of the collar.





Regarding claim 7, '430 discloses that when the collar is fitted to the sleeve 5, the fingers will spring back elastically outward and the back faces 12 will engage the shoulder 8". Therefore '430 teaches the fingers are in a pre-stressed, radially outward direction, condition at this time (see col. 3, lines 16-22, for example).

5. Claims 5-7 are rejected under 35 U.S.C. 102(a) as being anticipated by US Pat. Pub. 2002/0063399 (Rohm, hereafter '399).

'399 teaches a holder for a collar 1 with collet assembly 20 for a workpiece or tool that has an internal angled retaining surface and retaining jaws 8 that are mounted on a drive spindle of the chuck body 4, shiftable head 13 that engages complementary angled faces on the retaining

surface, with a retaining element 11 and formed with radially deflectable retaining fingers (see figure 7) extending parallel to the retaining jaws and having angled retaining faces complementary to the clamping faces and engageable with the clamping faces of the collar 1, each finger has axially inward of the retaining face a radially outwardly directed centering face engageable with a free end of the collar.

It is noted that the fingers are considered in a pre-stressed state due to the elastic structure of the fingers.

Allowable Subject Matter

6. Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 15 May 2006 have been fully considered but they are not persuasive.

Applicant asserts that in Applicant's invention "the fingers 9 have faces 10 that bear outward on the inner surface of the collar 2 to center it" and that Hangleiter "has no surface radially outwardly engageable with an inner surface of the collar".

Examiner notes in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (such as the "inner surface of the collar") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is further noted that Hangleiter specifically discloses the face of the fingers that bear outward on the inner surface of the collar 2 to center it, as is shown in the above annotated figures.

Applicant asserts that Rohm has “no retainer at all”. Applicant is referred to Figure 6 of Rohm which specifically shows a retainer 19 with a plurality of axially extending fingers as compared to Figure 4 of Applicant’s invention.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



dmr


MONICA CARTER
SUPERVISORY PATENT EXAMINER